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Federal Communications Commission
Office of Secretary

ROBERT L. OLENDER*
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June 13, 1997

OF COUNSEL
B. JAY BARAFF*
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*NOT ADMITTED IN MD

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

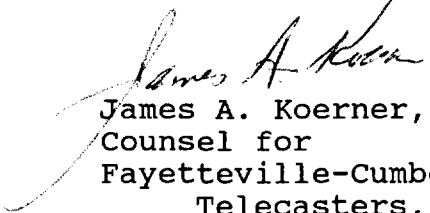
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Fayetteville-Cumberland Telecasters, Inc., licensee of Television Station WFAY, Fayetteville, North Carolina, there are transmitted herewith an original and four (4) copies of a Petition for Reconsideration, directed to the Sixth Report and Order adopted in the above-referenced proceeding.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner,
Counsel for
Fayetteville-Cumberland
Telecasters, Inc.

cc: Mr. James Thrash
Hon. Robinson O. Everett

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Before the
Federal Communications Commission
Washington, D.C. 20554

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JUN 13 1997

Federal Communications Commission
Office of Secretary

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

TO: The Commission

PETITION FOR RECONSIDERATION

Fayetteville-Cumberland Telecasters, Inc., licensee of Television Station WFAY, Fayetteville, North Carolina, by its attorneys, hereby seeks reconsideration of that portion of the Sixth Report and Order in this proceeding (FCC 97-115) which assigns Channel 36 to Station WFAY as its DTV Channel.

At the present time, Station WFAY operates on Channel 62 from a transmitter site at Lumber Bridge, North Carolina. Although Fayetteville is in the Raleigh-Durham DMA, Station WFAY is unable to provide coverage to huge portions of the DMA. Spacing considerations affecting Channel 62 prohibit a move further north which would improve its coverage of the DMA.

It was hoped that the DTV allocation scheme, while intended to replicate existing coverage, would provide WFAY with a channel which would afford a greater degree of latitude

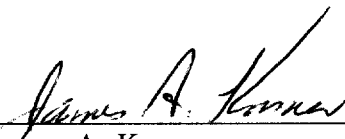
for a future transmitter site move. However, the DTV channel specified in the Sixth Report and Order, Channel 36, is co-channel with the present NTSC operation of Station WUNP-TV, Roanoke Rapids, North Carolina. Thus, the anticipated relief failed to materialize.

Attached hereto is an Engineering Statement prepared by Smith and Fisher, which specifies that Channel 34 could be assigned to WFAY as its DTV allotment. Such an assignment is not believed to be disruptive to the Commission's overall table of DTV allotment, but would still afford WFAY the opportunity to relocate its transmitter site such that it could achieve greater coverage of its DMA.

Accordingly, it is respectfully requested that this portion of the Sixth Report and Order be reconsidered, and that WFAY be assigned DTV Channel 34.

Respectfully submitted,

**FAYETTEVILLE-CUMBERLANDTELECAST-
ERS, INC.**

By: 
James A. Koerner
Its Attorney

Date: June 13, 1997

BARAFF, KOERNER & OLENDER, P.C.

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ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of FAYETTEVILLE-CUMBERLAND TELECASTERS, licensee of Television Station WFAY, Channel 62, Fayetteville, North Carolina, in support of its Petition for Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268 concerning the implementation of digital television (DTV) services.

In this proceeding the FCC assigned DTV Channel 36 to WFAY. Fayetteville is in the Raleigh-Durham DMA, and in order to compete in the market and provide service to as many viewers as possible, the station must be located north of Fayetteville. Because of spacing problems on its present NTSC channel, WFAY is prohibited from moving to a transmitter site which optimizes coverage.

Unfortunately, DTV Channel 36 cannot be properly situated to cover the market, either. It is restricted from locations north of Fayetteville by WUNP-TV, NTSC Channel 36, Roanoke Rapids, North Carolina.

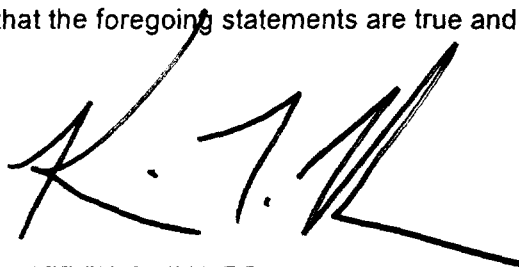
Based on an MSTV/NAB computer study, "Alternative DTV Channel Assignments in the Continental United States," dated May 28, 1997, DTV Channel 34 is available as one of many suitable alternative channels for WFAY. Further, Channel 34 affords WFAY the opportunity to relocate its transmitter site to an area from which it can more thoroughly serve the DMA.

It must be noted that while we conducted a cursory interference study of DTV Channel 34 for WFAY, the complex software used by the FCC to replicate existing station coverage with the corresponding DTV facility, as well as to calculate interference between and among

DTV and NTSC stations, is not presently accessible to the general public. As a result, further study of other alternative channels for WFAY may be required.

As of now, and based on the information at hand, it is proposed that DTV Channel 34 be substituted for WFAY's DTV Channel 36 allotment in the FCC's table.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', with a stylized flourish at the end.

KEVIN T. FISHER

June 11, 1997